

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL E. PAVULAK,

Defendant.

Criminal Action No. 09- **43**

REDACTED

**INDICTMENT**

The Grand Jury for the District of Delaware charges that:

**Count 1**

**(Failure to Register and Update a Registration as Sex Offender)**

From on or about July 1, 2008, through on or about January 19, 2009, in the State and District of Delaware, the defendant, PAUL E. PAVULAK, a person required to register under the Sex Offender Registration and Notification Act, Title 42, United States Code, Section 16901 *et seq.* (having traveled in interstate and foreign commerce subsequent to his conviction for a sex offense, to wit, a conviction on or about June 30, 1998 and again on or about April 6, 2005 in the Superior Court of Delaware, did knowingly fail to register and update a registration, as required by the Sex Offender Registration and Notification Act, in violation of Title 18, United States Code, Section 2250(a).

**Count 2**

**(Possession of Child Pornography)**

From on or about February 9, 2008, through on or about January 19, 2009, in the State and District of Delaware, the defendant, PAUL E. PAVULAK, did knowingly possess any computer memory card and disk and any other material that contained images of child pornography that had been mailed and shipped and transported in interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed and shipped and transported in interstate and foreign commerce by any means, including by computer; that is, PAUL E. PAVULAK did knowingly possess any computer memory card and disk that contained multiple computer files containing visual depictions of minors engaged in sexually explicit conduct, including but not limited to actual and simulated sexual intercourse, fellatio, masturbation, and the lascivious exhibition of the genitals and pubic area, in violation of Title 18, United States Code, Sections 2252A(a)(5)(B), 2252A(b)(2), and 2256(8)(A).

**Count 3**

**(Attempted Production of Child Pornography)**

From on or about October 9, 2008, through on or about January 19, 2009, in the State and District of Delaware and elsewhere, the defendant, PAUL E. PAVULAK, did, and attempted to, employ, use, persuade, induce, entice, and coerce a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct and for the purpose of transmitting a live visual depiction of such conduct; to wit, a digital video or live digital transmission depicting Jane Doe, a female minor, engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2)(A), which visual depiction was

transported and transmitted using any means or facility of interstate or foreign commerce and in or affecting interstate or foreign commerce and mailed and which visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2251(a) and (e).

**Count 4**

**(Enticement and Coercion of a Minor)**

From on or about September 1, 2008, through on or about January 19, 2009, in the State and District of Delaware and elsewhere, the defendant, PAUL E. PAVULAK, using the mail and a facility and means of interstate and foreign commerce, to wit; the Internet, did knowingly persuade, induce, entice, and coerce, and attempt to do so, an individual who has not attained the age of 18 years, to engage in prostitution and any sexual activity for which the defendant can be charged with a criminal offense; that is, Attempted Production of Child Pornography, in violation of Title 18, United States Code, Section 2251(a); and Rape, in violation of the Revised Penal Code of the Philippines, Article 266-A; and Corruption of Minors, in violation of the Revised Penal Code of the Philippines, Article 340, all in violation of Title 18, United States Code, Section 2422(b).

**Count 5**

**(Penalties for Registered Sex Offenders)**

Between, on or about September 1, 2008 and January <sup>19 2009</sup> ~~18~~, 2009, in the District and State of Delaware and elsewhere, the defendant, PAUL E. PAVULAK, being required to register as a sex offender pursuant to the Sex Offender Registration and Notification Act, Title 42, United States Code, Section 16911, and pursuant to Title 11, Delaware Code, Section 4121, did commit

a felony offense involving a minor, to wit; a violation of Title 18 , United States Code, Section 2251(a), as charged in Count 3 of this Indictment, which is incorporated herein by reference; and a violation of Title 18, United States Code, Section 2422(b), as charged in Count 4 of this Indictment, which is incorporated herein by reference, all in violation of Title 18, United States Code, Section 2260A.

#### **Forfeiture Count**

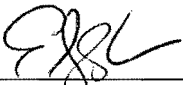
Upon conviction for violating Title 18, United States Code, Sections 2252A, 2251 and 2422(b) as set forth in Counts 1 through 4, the defendant, PAUL E. PAVULAK, shall forfeit to the United States any and all matter that contains visual depictions of child pornography or visual depictions that are or appear to be of minors engaged in sexually explicit conduct, that are produced, transported, shipped, received or possessed in violation thereof; any property constituting or derived from any proceeds PAUL E. PAVULAK obtained directly or indirectly as a result of the aforementioned violations; and any and all property used or intended to be used in any manner or part to commit and to promote the commission of the aforementioned violations, including but not limited to the following:

1. Gateway Laptop computer, Model MA6, bearing product key number BPF9H-D4DMH-V8T4V-YBYQ4-WQ23Y;
2. HP Pavilion Laptop computer, Serial No. CNF82919HN;
3. HP Pavilion desktop computer, Model A 6248x, Serial No. MXX7420KH7; and
4. Nokia GSM cell phone, Model 1200,

pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL:

DAVID C. WEISS  
ACTING UNITED STATES ATTORNEY

By:   
\_\_\_\_\_  
Edward J. McAndrew  
Assistant United States Attorney

Dated: April 16, 2009